

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT NEW YORK

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ROY STEWART MOORE and KAYLA MOORE, :

Plaintiffs, :

- against - :

SACHA NOAM BARON COHEN, SHOWTIME  
NETWORKS, INC., AND CBS CORPORATION, :

Defendants. :

Index No. 19 Civ. 4977 (ALC)

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**DECLARATION OF ELIZABETH A. MCNAMARA  
IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS**

1. I am a member of the law firm Davis Wright Tremaine LLP, attorneys for defendants Sacha Baron Cohen, Showtime Networks Inc. and CBS Corporation (collectively, the “Defendants”) in the above-captioned case. I make this declaration in support of Defendants’ motion to dismiss the Complaint in this case for the sole purpose of attaching true and correct copies of documents that are incorporated by reference in, integral to, and/or replied upon by the Complaint, and/or of which the Court can take judicial notice.

2. Attached hereto as **Exhibit 1** is a true and correct copy of the Standard Consent Agreement that Plaintiff Roy S. Moore signed on February 14, 2018 in connection with the filming of a segment that was featured on the television program “Who Is America?”. This document was previously filed in this case as Exhibit A to the Declaration of Todd S. Schulman in support of the Defendants’ Motion to Transfer the case to this Court (ECF No. 27-3)

3. Attached hereto as **Exhibit 2** is a DVD containing a true and correct copy of episode 103 of *Who Is America?*, which aired on the SHOWTIME network on July 29, 2018, and contains the interview with Plaintiff Roy S. Moore at issue in this case. A copy of this DVD

was previously filed in this case as Exhibit A to the Declaration of Brendan Countee in support of the Defendants' Motion to Transfer the case to this Court (ECF No. 27-4).

4. Attached hereto as **Exhibit 3** is a true and correct copy of the transcript of the hearing on April 29, 2019, before Hon. Thomas F. Hogan in the U.S. District Court for the District of Columbia, on the Defendants' motion to transfer the case to this Court pursuant to 28 U.S.C. § 1404, during which Judge Hogan announced his decision granting the motion to transfer.

5. Attached hereto as **Exhibit 4** is a true and correct copy of the complaint filed on April 30, 2018, by Roy Moore and Kayla Moore against Richard Hagedorn, Marjorie Leigh Corfman, Debbie Wesson Gibson, Beverly Young Nelson, Tina Turner Johnson, and Fictitious Defendants 1-19 in the Circuit Court of Alabama, Etowah County, Docket number 31-CV-2018-900346.00.

6. Attached hereto as Exhibits 5–7 are the consent agreements signed by the plaintiffs in cases arising out of their participation in the production of the film *BORAT – Cultural Learnings of America for Make Benefit Glorious Nation of Kazhakstan* (which was produced by and starred Defendant Sacha Baron Cohen), which were consolidated in this District before Judge Preska and dismissed on September 3, 2008. *See Psenicska v. Twentieth Century Fox Film Corp.*, Nos. 07 Civ. 10972, *et al.*, 2008 WL 4185752, at \*3 n.10 (S.D.N.Y. Sept. 3, 2008) (identifying the filings containing the copies of each agreement), *aff'd*, 409 F. App'x 368 (2d Cir. 2009). In particular:

- a. Attached hereto as **Exhibit 5** is a true and correct copy of a Standard Consent Agreement signed by Michael Psenicska, plaintiff in *Psenicska v. Twentieth Century Fox Film Corp.*, No. 07 Civ. 10972 (S.D.N.Y.), filed as Exhibit A to

the Declaration of Joan Hansen in Support of Defendants' Motion to Dismiss the Complaint in that case (ECF No. 10-2). Address and phone number information of the plaintiff has been redacted from this version of the exhibit.

- b. Attached hereto as **Exhibit 6** are true and correct copies of Standard Consent Agreements signed by Cindy Streit, Sarah Moseley, Ben K. McKinnon, Michael M. Jared, and Lynn S. Jared, plaintiffs in *Streit, et al. v. Twentieth Century Fox Film Corp.*, No. 08 Civ. 1571 (S.D.N.Y.), collectively filed as Exhibit D to the Declaration of Joan Hansen in Support of Defendants' Motion to Dismiss the First Amended Complaint in that case (ECF No. 10-5). Address and phone number information of the plaintiffs has been redacted from this version of the exhibit.
- c. Attached hereto as **Exhibit 7** is a true and correct copy of a Standard Consent Agreement signed by Kathie Martin, plaintiff in *Martin v. Larry Charles, et al.*, No. 08 Civ. 1828 (S.D.N.Y.), filed as Exhibit B to the Declaration of R. Metcalf in Support of Defendants' Motion to Dismiss the First Amended Complaint in that case (ECF No. 14-4). Address and phone number information of the plaintiff has been redacted from this version of the exhibit.

7. Attached hereto as **Exhibit 8** is a true and correct copy of a letter from Plaintiffs to the Court responding to Defendants' letter requesting a pre-motion conference on their motion to dismiss (ECF No. 37). Plaintiffs' letter was submitted to the Court and served on Defendants on July 16, 2019, but was not filed on the Court's docket for this case.

I declare under the penalty of perjury pursuant to 28 U.S.C. 1746 that the foregoing is true and correct.

EXECUTED this 12<sup>th</sup> day of September 2019

/s/Elizabeth A. McNamara  
Elizabeth A. McNamara